UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAR 10 AM 11:12
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Alberto FLORES-Marquez,** Defendant	Magistrate Docket No. '08 MJ 0738 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 7, 2008** within the Southern District of California, defendant, **Alberto FLORES-Marquez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10th** **DAY OF** **MARCH, 2008**

~~Leo S. Papas~~
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Alberto FLORES-Marquez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On March 7, 2008 Border Patrol Agent L. Hayes II responded to a call via service radio from the Imperial Beach Border Patrol Station requesting a Border Patrol Agent to perform an immigration inspection on a subject who was being served a restraining order by San Diego Sherriff's Deputies.

Upon Agent's Hayes arrival at 884 Cypress Street in Imperial Beach, California he met with San Diego Sherriff Deputy Franco Delrosario, ID# 1182. Deputy Delrosario informed Agent Hayes that he was there to issue a restraining order against the defendant Alberto FLORES-Marquez, but the defendant was trying to conceal his true identity. Agent Hayes identified himself as a United States Border Patrol Agent to the defendant and conducted an immigration inspection. The defendant initially claimed to be a Resident Alien, but stated that his card and all of his papers had been stolen. Agent Hayes informed the defendant that he was going to call dispatch and run checks to see if he was telling the truth. The defendant then freely stated to Agent Hayes that he would tell him the truth and, in fact, stated that he was a citizen and national of Mexico illegally present in the United States without the proper documents to remain here legally. Agent Hayes took the defendant into custody at approximately 7:40 pm and transported him to the Imperial Beach Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **11/30/2001** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on March 9, 2008 at 10:00 a.m.

Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **two** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 07, 2007**, in violation of Title **8**, United States Code, Section **1326**.

3/9/08 12:51 pm
Date/Time

Leo S. Papas
United States Magistrate Judge